D.B. CIVIL SPECIAL APPEAL NO.601/2006
DATED :15/12/2006.

HON'BLE MR. RAJESH BALIA, J.
HON'BLE MR. GOPAL KRISHAN VYAS J.

Mr.Pradeep Choudhary for appellant;.
Mr.V.K.Rajpurohit for the respondent.

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Heard learned counsel for the appellant as well as learned counsel for the respondent.

We are satisfied that no case for interference in the order passed by learned Single Judge refusing the grant of interim order is made out. Infact by way of interim relief the petitioner seeks whole relief of having a right of way through land in respect of which the Patta was granted in favour of Murad Khan.

In that view of the matter, we are of the opinion that in the present circumstances when admittedly the land in question is part of Patta issued in favour of Murad Khan and is in his possession the petitioner cannot be given way as a right through interim relief.

The appeal, therefore, having no force is hereby dismissed.

[GOPAL KRISHAN VYAS],J. **[RAJESH BALIA], J.**

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